

# PATENT COOPERATION TREATY

*FILED*  
*LOC 500*  
**PCT**

NOTIFICATION THAT DEMAND OR  
ELECTION IS CONSIDERED NOT TO HAVE  
BEEN SUBMITTED OR MADE

(PCT Rule 60.1(c) or 60.2(c) and  
Administrative Instructions, Section 418)

From the INTERNATIONAL BUREAU

*27II*

To:

Assistant Commissioner for Patents  
United States Patent and Trademark  
Office  
Box PCT  
Washington, D.C. 20231  
ÉTATS-UNIS D'AMÉRIQUE

in its capacity as elected Office

RECEIVED  
DEC 27 1999  
TO 2700 MAIL ROOM

Date of mailing  
(day/month/year) 19 November 1999 (19.11.99)

International application No.  
PCT/CA98/01146

International filing date  
(day/month/year) 18 December 1998 (18.12.98)

Applicant  
COVELEY, Michael

1. ☒ The International Bureau hereby notifies the elected Office that the International Preliminary Examining Authority has declared that the demand relating to the international application has been considered as if it had not been submitted.
2. ☐ The International Bureau hereby notifies the elected Office that it has declared that the notice containing the later election of the (following) State(s) for which the Office acts as elected Office has been considered as if it had not been submitted:

The International Bureau of WIPO  
34, chemin des Colombettes  
1211 Geneva 20, Switzerland

Facsimile No. (41-22) 740.14.35

Authorized officer

Ting Zhao

Telephone No. (41-22) 338.83.38

# PATENT COOPERATION TREATY

From the INTERNATIONAL BUREAU

**PCT**

## NOTIFICATION OF ELECTION

(PCT Rule 61.2)

09 367 670 5000

To:

Assistant Commissioner for Patents  
United States Patent and Trademark  
Office  
Box PCT  
Washington, D.C.20231  
ÉTATS-UNIS D'AMÉRIQUE

in its capacity as elected Office

Date of mailing (day/month/year) 13 September 1999 (13.09.99)	
International application No. PCT/CA98/01146	Applicant's or agent's file reference 9633-61 DAR
International filing date (day/month/year) 18 December 1998 (18.12.98)	Priority date (day/month/year) 18 December 1997 (18.12.97)
Applicant COVELEY, Michael et al	

1. The designated Office is hereby notified of its election made:

☒ in the demand filed with the International Preliminary Examining Authority on:  
16 July 1999 (16.07.99)

☐ in a notice effecting later election filed with the International Bureau on:

2. The election ☒ was  
☐ was not

made before the expiration of 19 months from the priority date or, where Rule 32 applies, within the time limit under Rule 32.2(b).

The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland	Authorized officer Lazar Joseph Panakal
Facsimile No.: (41-22) 740.14.35	Telephone No.: (41-22) 338.83.38

## PCT

## INTERNATIONAL SEARCH REPORT

(PCT Article 18 and Rules 43 and 44)

Applicant's or agent's file reference <b>9633-61 DAR</b>	<b>FOR FURTHER ACTION</b> see Notification of Transmittal of International Search Report (Form PCT/ISA/220) as well as, where applicable, item 5 below.	
International application No. <b>PCT/CA 98/ 01146</b>	International filing date (day/month/year) <b>18/12/1998</b>	(Earliest) Priority Date (day/month/year) <b>18/12/1997</b>
Applicant <b>COVELEY, Michael et al.</b>		

This International Search Report has been prepared by this International Searching Authority and is transmitted to the applicant according to Article 18. A copy is being transmitted to the International Bureau.

This International Search Report consists of a total of 3 sheets.

☒ It is also accompanied by a copy of each prior art document cited in this report.

## 1. Basis of the report

- a. With regard to the language, the international search was carried out on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.

☐ the international search was carried out on the basis of a translation of the international application furnished to this Authority (Rule 23.1(b)).

- b. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international search was carried out on the basis of the sequence listing:

☐ contained in the international application in written form.

☐ filed together with the international application in computer readable form.

☐ furnished subsequently to this Authority in written form.

☐ furnished subsequently to this Authority in computer readable form.

☐ the statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.

☐ the statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished

2. ☐ Certain claims were found unsearchable (See Box I).

3. ☐ Unity of invention is lacking (see Box II).

4. With regard to the title,

☒ the text is approved as submitted by the applicant.

☐ the text has been established by this Authority to read as follows:

5. With regard to the abstract,

☒ the text is approved as submitted by the applicant.

☐ the text has been established, according to Rule 38.2(b), by this Authority as it appears in Box III. The applicant may, within one month from the date of mailing of this international search report, submit comments to this Authority.

6. The figure of the drawings to be published with the abstract is Figure No.

☒ as suggested by the applicant.

☐ because the applicant failed to suggest a figure.

☐ because this figure better characterizes the invention.

1  
☐ None of the figures.

## A. CLASSIFICATION OF SUBJECT MATTER

IPC 6 H04L12/28 H04L29/06

According to International Patent Classification (IPC) or to both national classification and IPC

## B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)

IPC 6 H04L H04Q H04B

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practical, search terms used)

## C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	<p>EP 0 777 394 A (ALCATEL BELL NV) 4 June 1997</p> <p>see column 1, line 39 - line 46 see column 2, line 53 - line 57 see column 3, line 33 - line 54 see column 4, line 55 - column 5, line 11 see column 6, line 1 - line 18 see column 7, line 26 - line 32 see column 9, line 6 - line 14</p>	<p>1-7, 10, 11, 14, 16-19</p>
Y	<p>---</p> <p>-/--</p>	<p>8, 9, 12, 13, 15</p>

☒ Further documents are listed in the continuation of box C.☒ Patent family members are listed in annex.

## \* Special categories of cited documents :

"A" document defining the general state of the art which is not considered to be of particular relevance

"E" earlier document but published on or after the international filing date

"L" document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)

"O" document referring to an oral disclosure, use, exhibition or other means

"P" document published prior to the international filing date but later than the priority date claimed

"T" later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention

"X" document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone

"Y" document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art.

"&amp;" document member of the same patent family

Date of the actual completion of the international search

10 May 1999

Date of mailing of the international search report

18/05/1999

Name and mailing address of the ISA

European Patent Office, P.B. 5818 Patentlaan 2  
NL - 2280 HV Rijswijk  
Tel. (+31-70) 340-2040, Tx. 31 651 epo nl,  
Fax: (+31-70) 340-3016

Authorized officer

Brichau, G

## C.(Continuation) DOCUMENTS CONSIDERED TO BE RELEVANT

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X ✓	WO 97 01940 A (PHILIPS ELECTRONICS NV ;PHILIPS NORDEN AB (SE)) 16 January 1997 see page 1, line 15 - line 22 see page 2, line 6 - line 17 see page 4, line 8 - line 14 see page 4, line 25 - line 29 see page 5, line 2 - line 4 see page 5, line 21 - line 30 see page 6, line 23 - line 33 see page 8, line 1 - line 7	1-7, 10, 11, 14
Y	---	8, 9, 12, 13, 15
X ✓	EP 0 748 064 A (GLOBALSTAR LP) 11 December 1996 see column 6, line 41 - line 48; figures 2, 7 see column 6, line 53 - column 7, line 5 see column 7, line 32 - line 40 see column 13, line 56 - column 14, line 11	1, 2, 10
Y	--- US 4 999 833 A (LEE WILLIAM C) 12 March 1991 see column 2, line 16 - line 31 see column 2, line 44 - column 3, line 29	12, 13
Y	--- US 5 682 460 A (HYZIAK JANUSZ ET AL) 28 October 1997 see column 1, line 44 - line 57 see column 6, line 42 - line 62 see column 7, line 26 - line 28 see claims 1, 6	8, 9, 15
A ✓	--- WO 97 32439 A (DECKER PETER ;KAARTINEN KALEVI (DE); GUSTAFSSON PATRIK (FI); NOKIA) 4 September 1997 see page 1, line 5 - line 16 see page 2, line 11 - line 22 see page 3, line 20 - line 27 see page 4, line 3 - line 26 -----	16-19

## INTERNATIONAL SEARCH REPORT

Information on patent family members

International Application No

PCT/CA 98/01146

Patent document cited in search report		Publication date	Patent family member(s)	Publication date
EP 0777394	A	04-06-1997	JP 10004432 A	06-01-1998
WO 9701940	A	16-01-1997	EP 0787413 A	06-08-1997
			JP 10505725 T	02-06-1998
EP 0748064	A	11-12-1996	US 5640386 A	17-06-1997
			AU 5380096 A	24-12-1996
			CA 2173291 A	07-12-1996
			CN 1143869 A	26-02-1997
			JP 8331031 A	13-12-1996
			WO 9639758 A	12-12-1996
US 4999833	A	12-03-1991	EP 0201308 A	12-11-1986
US 5682460	A	28-10-1997	AU 687583 B	26-02-1998
			AU 2949995 A	22-03-1996
			CA 2174762 A	07-03-1996
			CN 1134755 A	30-10-1996
			EP 0727069 A	21-08-1996
			WO 9607141 A	07-03-1996
WO 9732439	A	04-09-1997	FI 960895 A	27-08-1997
			AU 1881497 A	16-09-1997
			CA 2247449 A	04-09-1997
			EP 0882375 A	09-12-1998

**RECEIVED**

MAY 22 1999

**PCT** SIM & MCBURNEY  
SIM, HUGHES, ASHTON & MCKAY

From the INTERNATIONAL SEARCHING AUTHORITY

To:

Sim & McBurney  
Attn. RUSTON, D.  
330 University Avenue  
6th Floor  
Toronto, Ontario M5G 1R7  
CANADA

NOTIFICATION OF TRANSMITTAL OF  
THE INTERNATIONAL SEARCH REPORT  
OR THE DECLARATION

(PCT Rule 44.1)

Date of mailing (day/month/year)		18/05/1999
Applicant's or agent's file reference 9633-61 DAR		FOR FURTHER ACTION See paragraphs 1 and 4 below
International application No. PCT/CA 98/01146		International filing date (day/month/year) 18/12/1998
Applicant COVELEY, Michael et al.		

1. ☒ The applicant is hereby notified that the International Search Report has been established and is transmitted herewith.

**Filing of amendments and statement under Article 19:**

The applicant is entitled, if he so wishes, to amend the claims of the International Application (see Rule 46):

**When?** The time limit for filing such amendments is normally 2 months from the date of transmittal of the International Search Report; however, for more details, see the notes on the accompanying sheet.

**Where?** Directly to the International Bureau of WIPO  
34, chemin des Colombettes  
1211 Geneva 20, Switzerland  
Facsimile No.: (41-22) 740.14.35

For more detailed instructions, see the notes on the accompanying sheet.

2. ☐ The applicant is hereby notified that no International Search Report will be established and that the declaration under Article 17(2)(a) to that effect is transmitted herewith.

3. ☐ With regard to the protest against payment of (an) additional fee(s) under Rule 40.2, the applicant is notified that:

☐ the protest together with the decision thereon has been transmitted to the International Bureau together with the applicant's request to forward the texts of both the protest and the decision thereon to the designated Offices.

☐ no decision has been made yet on the protest; the applicant will be notified as soon as a decision is made.

4. **Further action(s):** The applicant is reminded of the following:

Shortly after 18 months from the priority date, the international application will be published by the International Bureau.

If the applicant wishes to avoid or postpone publication, a notice of withdrawal of the international application, or of the priority claim, must reach the International Bureau as provided in Rules 90bis.1 and 90bis.3, respectively, before the completion of the technical preparations for international publication.

Within 19 months from the priority date, a demand for international preliminary examination must be filed if the applicant wishes to postpone the entry into the national phase until 30 months from the priority date (in some Offices even later).

Within 20 months from the priority date, the applicant must perform the prescribed acts for entry into the national phase before all designated Offices which have not been elected in the demand or in a later election within 19 months from the priority date or could not be elected because they are not bound by Chapter II.

Name and mailing address of the International Searching Authority



European Patent Office, P.B. 5818 Patentlaan 2  
NL-2280 HV Rijswijk  
Tel. (+31-70) 340-2040, Tx. 31 651 epo nl.  
Fax: (+31-70) 340-3016

Authorized officer

Theresia Van Deursen

## NOTES TO FORM PCT/ISA/220

These Notes are intended to give the basic instructions concerning the filing of amendments under article 19. The Notes are based on the requirements of the Patent Cooperation Treaty, the Regulations and the Administrative Instructions under that Treaty. In case of discrepancy between these Notes and those requirements, the latter are applicable. For more detailed information, see also the PCT Applicant's Guide, a publication of WIPO.

In these Notes, "Article", "Rule", and "Section" refer to the provisions of the PCT, the PCT Regulations and the PCT Administrative Instructions respectively.

### INSTRUCTIONS CONCERNING AMENDMENTS UNDER ARTICLE 19

The applicant has, after having received the international search report, one opportunity to amend the claims of the international application. It should however be emphasized that, since all parts of the international application (claims, description and drawings) may be amended during the international preliminary examination procedure, there is usually no need to file amendments of the claims under Article 19 except where, e.g. the applicant wants the latter to be published for the purposes of provisional protection or has another reason for amending the claims before international publication. Furthermore, it should be emphasized that provisional protection is available in some States only.

#### What parts of the international application may be amended?

Under Article 19, only the claims may be amended.

During the international phase, the claims may also be amended (or further amended) under Article 34 before the International Preliminary Examining Authority. The description and drawings may only be amended under Article 34 before the International Examining Authority.

Upon entry into the national phase, all parts of the international application may be amended under Article 28 or, where applicable, Article 41.

#### When?

Within 2 months from the date of transmittal of the international search report or 16 months from the priority date, whichever time limit expires later. It should be noted, however, that the amendments will be considered as having been received on time if they are received by the International Bureau after the expiration of the applicable time limit but before the completion of the technical preparations for international publication (Rule 46.1).

#### Where not to file the amendments?

The amendments may only be filed with the International Bureau and not with the receiving Office or the International Searching Authority (Rule 46.2).

Where a demand for international preliminary examination has been/is filed, see below.

#### How?

Either by cancelling one or more entire claims, by adding one or more new claims or by amending the text of one or more of the claims as filed.

A replacement sheet must be submitted for each sheet of the claims which, on account of an amendment or amendments, differs from the sheet originally filed.

All the claims appearing on a replacement sheet must be numbered in Arabic numerals. Where a claim is cancelled, no renumbering of the other claims is required. In all cases where claims are renumbered, they must be renumbered consecutively (Administrative Instructions, Section 205(b)).

The amendments must be made in the language in which the international application is to be published.

#### What documents must/may accompany the amendments?

**Letter (Section 205(b)):**

The amendments must be submitted with a letter.

The letter will not be published with the international application and the amended claims. It should not be confused with the "Statement under Article 19(1)" (see below, under "Statement under Article 19(1)").

The letter must be in English or French, at the choice of the applicant. However, if the language of the international application is English, the letter must be in English; if the language of the international application is French, the letter must be in French.



The letter must indicate the differences between the claims as filed and the claims as amended. It must, in particular, indicate, in connection with each claim appearing in the international application (it being understood that identical indications concerning several claims may be grouped), whether

- (i) the claim is unchanged;
- (ii) the claim is cancelled;
- (iii) the claim is new;
- (iv) the claim replaces one or more claims as filed;
- (v) the claim is the result of the division of a claim as filed.

The following examples illustrate the manner in which amendments must be explained in the accompanying letter:

1. [Where originally there were 48 claims and after amendment of some claims there are 51]:  
"Claims 1 to 29, 31, 32, 34, 35, 37 to 48 replaced by amended claims bearing the same numbers; claims 30, 33 and 36 unchanged; new claims 49 to 51 added."
2. [Where originally there were 15 claims and after amendment of all claims there are 11]:  
"Claims 1 to 15 replaced by amended claims 1 to 11."
3. [Where originally there were 14 claims and the amendments consist in cancelling some claims and in adding new claims]:  
"Claims 1 to 6 and 14 unchanged; claims 7 to 13 cancelled; new claims 15, 16 and 17 added." or  
"Claims 7 to 13 cancelled; new claims 15, 16 and 17 added; all other claims unchanged."
4. [Where various kinds of amendments are made]:  
"Claims 1-10 unchanged; claims 11 to 13, 18 and 19 cancelled; claims 14, 15 and 16 replaced by amended claim 14; claim 17 subdivided into amended claims 15, 16 and 17; new claims 20 and 21 added."

**"Statement under article 19(1)" (Rule 46.4)**

The amendments may be accompanied by a statement explaining the amendments and indicating any impact that such amendments might have on the description and the drawings (which cannot be amended under Article 19(1)).

The statement will be published with the international application and the amended claims.

It must be in the language in which the international application is to be published.

It must be brief, not exceeding 500 words if in English or if translated into English.

It should not be confused with and does not replace the letter indicating the differences between the claims as filed and as amended. It must be filed on a separate sheet and must be identified as such by a heading, preferably by using the words "Statement under Article 19(1)."

It may not contain any disparaging comments on the international search report or the relevance of citations contained in that report. Reference to citations, relevant to a given claim, contained in the international search report may be made only in connection with an amendment of that claim.

**Consequence if a demand for international preliminary examination has already been filed**

If, at the time of filing any amendments under Article 19, a demand for international preliminary examination has already been submitted, the applicant must preferably, at the same time of filing the amendments with the International Bureau, also file a copy of such amendments with the International Preliminary Examining Authority (see Rule 62.2(a), first sentence).

**Consequence with regard to translation of the international application for entry into the national phase**

The applicant's attention is drawn to the fact that, where upon entry into the national phase, a translation of the claims as amended under Article 19 may have to be furnished to the designated/elected Offices, instead of, or in addition to, the translation of the claims as filed.

For further details on the requirements of each designated/elected Office, see Volume II of the PCT Applicant's Guide.

# PATENT COOPERATION TREATY

From the INTERNATIONAL BUREAU

PCT

## NOTICE INFORMING THE APPLICANT OF THE COMMUNICATION OF THE INTERNATIONAL APPLICATION TO THE DESIGNATED OFFICES

(PCT Rule 47.1(c), first sentence)

To:  
RUSTON, David, A.  
Sim & McBurney  
6th floor  
330 University Avenue  
Toronto, Ontario M5G 1R7  
CANADA

**RECEIVE**

JUL 12 1999

SIM & MCBURNEY  
SIM, HUGHES, ASHTON & N

Date of mailing (day/month/year) 01 July 1999 (01.07.99)		IMPORTANT NOTICE	
Applicant's or agent's file reference 9633-61 DAR			
International application No. PCT/CA98/01146	International filing date (day/month/year) 18 December 1998 (18.12.98)	Priority date (day/month/year) 18 December 1997 (18.12.97)	
Applicant COVELEY, Michael et al			

1. Notice is hereby given that the International Bureau has communicated, as provided in Article 20, the international application to the following designated Offices on the date indicated above as the date of mailing of this Notice:  
AU,CN,EP,JP,KR,US

In accordance with Rule 47.1(c), third sentence, those Offices will accept the present Notice as conclusive evidence that the communication of the international application has duly taken place on the date of mailing indicated above and no copy of the international application is required to be furnished by the applicant to the designated Office(s).

2. The following designated Offices have waived the requirement for such a communication at this time:  
CA,MX,NZ

The communication will be made to those Offices only upon their request. Furthermore, those Offices do not require the applicant to furnish a copy of the international application (Rule 49.1(a-bis)).

3. Enclosed with this Notice is a copy of the international application as published by the International Bureau on 01 July 1999 (01.07.99) under No. WO 99/33226

### REMINDER REGARDING CHAPTER II (Article 31(2)(a) and Rule 54.2)

If the applicant wishes to postpone entry into the national phase until 30 months (or later in some Offices) from the priority date, a demand for international preliminary examination must be filed with the competent International Preliminary Examining Authority before the expiration of 19 months from the priority date.

It is the applicant's sole responsibility to monitor the 19-month time limit.

Note that only an applicant who is a national or resident of a PCT Contracting State which is bound by Chapter II has the right to file a demand for international preliminary examination.

### REMINDER REGARDING ENTRY INTO THE NATIONAL PHASE (Article 22 or 39(1))

If the applicant wishes to proceed with the international application in the national phase, he must, within 20 months or 30 months, or later in some Offices, perform the acts referred to therein before each designated or elected Office.

For further important information on the time limits and acts to be performed for entering the national phase, see the Annex to Form PCT/IB/301 (Notification of Receipt of Record Copy) and Volume II of the PCT Applicant's Guide.

The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland	Authorized officer  J. Zahra
Facsimile No. (41-22) 740.14.35	Telephone No. (41-22) 338.83.38

Continuation of Form PCT/IB/308

**NOTICE INFORMING THE APPLICANT OF THE COMMUNICATION OF  
THE INTERNATIONAL APPLICATION TO THE DESIGNATED OFFICES**

<b>Date of mailing (day/month/year)</b> 01 July 1999 (01.07.99)	<b>IMPORTANT NOTICE</b>
<b>Applicant's or agent's file reference</b> 9633-61 DAR	<b>International application No.</b> PCT/CA98/01146
<p>The applicant is hereby notified that, at the time of establishment of this Notice, the time limit under Rule 46.1 for making amendments under Article 19 has not yet expired and the International Bureau had received neither such amendments nor a declaration that the applicant does not wish to make amendments.</p>	